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November 29, 2006

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VIA OVERNIGHT MAIL

Mr. Kirk Forbush, Regional Engineer
Utah Division of Water Rights
Sevier River/Southern Regional Office
130 North Main Street
P.O. Box 563
Richfield, Utah 84701-0563

RECEIVED

DEC 06 2006

WATER RIGHTS
SALT LAKE

Re: Joe Hutchings/Karl Hutchings Family – Koosharem Ranch Property

Dear Mr. Forbush:

This law firm represents Joe Hutchings and Karl Hutchings of St. George, Utah who own an approximately 75 acre ranch property located near Koosharem, Utah.

The purpose of this letter is to present a formal complaint to the State Water Rights Division on behalf of Joe Hutchings and Karl Hutchings. As Karl Hutchings has previously communicated to you directly, the Hutchings have felt harassed and discriminated against by certain board members of the Koosharem Irrigation Company for the last couple of years. They believe that they have been treated as outsiders ever since purchasing their ranch property. They now feel that the Division of Water Rights has improperly joined in with the discriminatory actions of the Koosharem Irrigation Company, especially by padlocking the Hutchings head gate after the old flume was replaced in a different part of the ditch. Ray Owens has been acting as a State Water Commissioner only on the Hutchings' ditch, but not the other properties in the area owned by long term residents. Karl Hutchings has complained verbally to Kerry Carpenter who we are advised talked to you about the misuse of State water in the Koosharem Irrigation Company. Mr. Hutchings was told to the effect that "the state doesn't get into that area of enforcement". Yet, the State is doing exactly that enforcement with the Hutchings on their ditch. According to the Cox Decree, the State measures water at the mouth of Daniels Canyon, not in the Hutchings ditch.

Karl Hutchings talked to the Water Commissioner Ray Owens recently because Joe Hutchings was up taking their year end water. Mr. Owens made sure that the Hutchings were getting one cubic foot of water. Later in the day Joe Hutchings discovered the stream was running higher than it should be by double or triple the amount. He called Karl Hutchings after going back up to the head gate and told him that someone had shut down more water going to the reservoir. Sabotage is what the Hutchings believe has occurred. When Karl Hutchings was told by Michael Burr, the water master for Koosharem Irrigation Co. to move the flume, the water master also said that he had talked to all of the board of directors about moving it. Then they denied ever being talked to by the water master.

The Hutchings' investigations have found that most of the flumes in the Koosharem valley do not work and many do not even have water running through them but around them. Three of the major stockholders do not have any measuring device at all, and out of the thirty eight shareholders, fifteen of them have meters that do not work. The whole town of Koosharem's well does not have a meter either.

This letter is a demand for your office to inspect all meters in the same degree that the Hutchings' meter has been inspected. We would also expect that if Ray Owens is water master for the Hutchings property, he will be so for the whole irrigation company. We also demand that such investigation be confidential so the Koosharem Irrigation Company can not fix things before they are inspected by the State.

Time is of the essence in this matter, and we look forward to your prompt response.

Very truly yours,

A handwritten signature in black ink, appearing to be "RDM", written over the typed name Robert D. Mitchell.

Robert D. Mitchell

RDM/sjh

cc: Mr. Joe Hutchings
Mr. Karl Hutchings
Mr. Jerry D. Olds, State Engineer
Utah Division of Water Rights
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Salt Lake City, UT 84114-6300